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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,809	05/31/2001	Kazuaki Nakajima	P/289-165	1249

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EXAMINER

BAYARD, DJENANE M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/870,809

Applicant(s)

NAKAJIMA, KAZUAKI

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6,7,9-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9-11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/6/05</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is in response to amendment filed on 9/6/05 in which claims 1,3-4, 6-7, 9-11 and 13-14 are pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1,3-4, 6-7, 9-11 and 13-14 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Information Disclosure Statement***

3. The information disclosure statement filed 10/6/05 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but some of the information referred to therein has not been considered.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,4, 7, 10-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0037266 to Schroeder in view of U.S. Patent No. 6,138,158 to Boyle et al.

a. As per claims 1 and 4, Schroeder teaches a method of identifying a server from a client terminal having a browser and a processor, said server and said client terminal being connectable with each other via a communications network, comprising the steps of: a) transmitting a first request packet from said browser to said server (; b) receiving the first request packet at said server and transmitting therefrom server specific information to said browser, indicating a server in which shared data file is maintained; c) receiving said server specific information at said browser and invoking said processor to hand over the received information to the processor; d) transmitting a second request packet from the processor to a server specified by the received server specific information; and e) receiving the second request packet at the specified server and transmitting therefrom said shared data file to said processor (See page 3 paragraph 0037)]. However, Schroeder fails to teach f) transmitting a third request packet from said processor to the specified server and transmitting therefrom to said processor differential data representing a difference between a said data file currently maintained by the specified server and the shared data file that was transmitted in step (e) from the specified server to said processor

Boyle et al teaches application to the navigation of Internet web pages using two-way interactive communication devices. Furthermore, Boyle et al teaches transmitting a third request packet from said processor to the specified server and transmitting therefrom to said processor differential data representing a difference between a said shared data file currently maintained by

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the specified server and the shared data file that was transmitted in step e from the specified server to said processor (See col. 17, lines 5-12).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate transmitting a third request packet from said processor to the specified server and transmitting therefrom to said processor differential data representing a difference between a said data file currently maintained by the specified server and the shared data file that was transmitted in step (e) from the specified server to said processor stored as taught by Boyle et al in the claimed invention of Schroeder in order to notify users of any updates to desire information and allowing users to retrieve the updated information when needed (See col. 3, lines 29-31).

b. As per claims 7 and 11, Schroeder teaches a communications network ; a server connected to the network; and a client terminal connected to the network, the client terminal having a processor and a browser, the browser transmitting a first request packet to said server; said server being responsive to said first request packet for transmitting a server specific information to said browser for indicating a server in which shared data file is maintained, said browser being responsive to said server specific information for invoking said processor to hand over the received information thereto, said processor being responsive to the received information for transmitting a second request packet to a server specified by the received information and being configured to store the shared data file from said specified server in said memory device (See page 3, paragraph [0037]). Remarks : It is inherent that the client terminal has a processor in order to process the request and the response from the server. However,

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Schroeder fails to teach transmitting a third request packet from said processor to the specified server and transmitting therefrom to said processor differential data representing a difference between a said data file currently maintained by the specified server and the shared data file that was transmitted in step (e) from the specified server to said processor.

Boyle et al teaches application to the navigation of Internet web pages using two-way interactive communication devices. Furthermore, Boyle et al teaches transmitting a third request packet from said processor to the specified server and transmitting therefrom differential data representing a difference between the shared data file maintained by the server and the shared data file stored in said memory device (See col. 17, lines 5-12).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate transmitting a third request packet from said processor to the specified server and transmitting therefrom differential data representing a difference between the shared data file maintained by the server and the shared data file stored in said memory device as taught by Boyle et al in the claimed invention of Schroeder in order to notify users of any updates to desire information and allowing users to retrieve the updated information when needed (See col. 3, lines 29-31).

c. As per claims 10 and 14, Schroeder in view of Boyle et al teaches the claimed invention as described above. Furthermore, Schroeder teaches wherein said server is configured to receive server specific information from another server of the network and transmits the received server specific information to said browser (See page 3, paragraph [0037]).

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6. Claims 3, 6, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0037266 to Schroeder in view of U.S. Patent No. 6,138,158 to Boyle et al. as applied to claims 1, 4, 7 and 11 above, and further in view of U.S. Patent No. 5,852,717 to Bhide et al.

a. As per claims 3, 6, 9 and 13, Schroeder in view of Boyle et al teaches the claimed invention as described above. However, Schroeder in view of Boyle et al fails to teach wherein said network includes a cache memory, and wherein said second request packet contains an identifier identifying said shared data file, said identifier being determined for each access from said processor to said server so that the shared data file identified by said identifier does not coincide with data stored in said cache memory.

Bhide et al teaches wherein said network includes a cache memory, and wherein said second request packet contains an identifier identifying said shared data file, said identifier being determined for each access from said processor to said server so that the shared data file identified by said identifier does not coincide with data stored in said cache memory (See col. 12, lines 15-35)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said network includes a cache memory, and wherein said second request packet contains an identifier identifying said shared data file, said identifier being determined for each access from said processor to said server so that the shared data file identified by said identifier does not coincide with data stored in said cache memory as taught by Bhide et al in the claimed invention of Schroeder in view of Boyle et al in order to set up the

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cache of information and realize a performance increase (See col. 8, lines 1-3).

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER